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FLORIDA

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:03-cr-77-T-30TBM

SAMI AMIN AL-ARIAN,  
SAMEEH HAMMOUDEH,  
GHASSAN ZAYED BALLUT,  
and HATIM NAJI FARIZ,

Defendants.

/

**PROTECTIVE ORDER**

THIS CAUSE is before the court on the **Government's Motion for a Rule 16(d)(1) Protective Order** (Doc. 468) and the responses of Mr. Al-Arian (Doc. 482), Mr. Fariz (Doc. 483), and Mr. Ballut (Doc. 484).<sup>1</sup> By its motion, the Government seeks a protective order to govern the Defendants' use in these proceedings of certain documents and other tangible items obtained from the State of Israel pursuant to the Mutual Legal Assistance Treaty between the United States and Israel. As proposed by the Government, certain of this material including medical reports, autopsy reports, bomb technician reports and related photographs taken during the investigation of bombings and alleged terrorist attacks in Israel, would be reviewable by the defense but would not be made available for reproduction or copying. The

<sup>1</sup>Also before the court is the **Motion of the United States for an Extension of Time in Which to Produce the Israeli Documents in Discovery** (Doc. 458) and Mr. Al-Arian's response in opposition (Doc. 464). The Government's motion (Doc. 458) is **GRANTED nunc pro tunc**. Upon receipt of this Order, the Israeli documents shall be made available to the defense in accordance with Rule 16.

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Defendants argue that the Government's proposal is too restrictive and would unnecessarily impede discovery by the defense.

Pursuant to the authority granted under Rule 16(d) of the Federal Rules of Criminal Procedure and the general supervisory authority of the court, the Government's motion (Doc. 468) is **GRANTED in part** as follows:

1. This Order pertains to all documents and other tangible items received by the United States from the State of Israel as more fully described in the motion, as well as all copies or reproductions thereof made by the Defendants or those assisting them in their defense.

2. No person shall disclose any of these materials to any person other than Defendants, their defense counsel, witnesses being interviewed or prepared for trial, attorneys who are members of the Florida Bar or Federal Bars in Florida and assisting in preparation for trial, law clerks, paralegals, secretaries, translators, technical and other experts, and investigators involved in the representation of the Defendants in this case.

3. All such materials are now and will forever remain the property of the United States Government. Defense counsel and all other persons identified in Paragraph 2 above shall return the materials, and all copies thereof, to the Government at the conclusion of the case.

4. Defense counsel and all persons identified in Paragraph 2 above shall store the material in a secure place and will use reasonable care to insure that they are not disclosed to third persons in violation of this Order.

5. If Defendants or defense counsel disclose the contents of or release custody of any such material, or copies thereof, to any person described in paragraph 2 above, they shall

provide such recipients with copies of this Protective Order and advise that person that the materials are the property of the United States Government and that an unauthorized use may constitute a violation of law and/or contempt of Court.

6. Nothing herein constitutes a waiver of any right of any Defendant, nor does anything herein restrict in any way the right of the defense to use the materials in connection with any pleading or proceeding in this case. Prior to its use as evidence at a motion hearing or at the trial of this cause, such of these materials as contain highly personal information about the victims of the bombings and alleged terrorists attacks, such as their medical reports, autopsy reports, and related photographs, which are necessary to be filed with the court shall be filed with the court under seal.

7. A copy of this Order shall be issued forthwith to counsel for each Defendant, who shall forthwith advise his or her respective Defendant, and all other persons identified in Paragraph 2 above of the contents and proscriptions of this Order.

To the extent not granted herein, the Government's motion (Doc. 458) is **DENIED**.

**DONE and ORDERED** in Tampa, Florida on this 17th day of March, 2004.



THOMAS B. McCOUN III  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
United States District Judge  
Terry Zitek & Terry Furr, Assistant United States Attorneys  
Counsel for Defendants

F I L E   C O P Y

Date Printed: 03/18/2004

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